

DPW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/635,973

Filing Date

August 7, 2003

First Named Inventor

William W. Hooper, Jr.

Art Unit

3673

Examiner Name

Alexander Grosz

Attorney Docket Number

BGASL 1018559

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Response to Election Requirement
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Return Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

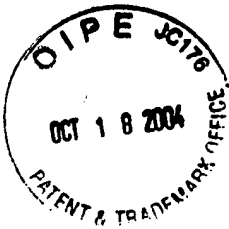
Firm Name	Gordon & Rees LLP		
Signature	<i>Katherine Proctor</i>		
Printed name	Katherine Proctor		
Date	October 12, 2004	Reg. No.	31,468

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Beverly Erdman</i>		
Typed or printed name	Beverly erdman	Date	10-12-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of
WILLIAM W. HOOPER, JR.
Serial No.: 10/635,973
Filed: August 7, 2003

FOR: BED FOUNDATION
Group Art Unit: 3673

RESPONSE TO ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

Attention: Alexander Grosz
Examiner

Dear Sir:

This is in response to the Office Action dated September 24, 2004. The Examiner has issued a restriction requirement indicating that election must be made of the species of Figures 1-4, 8 and 9, the species of Figures 5 to 9, or the specie/s of Figures 10-12. By this Response, Applicant elects the species of Figures 1-4, 8 and 9 for examination.

I, Beverly Erdman, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on,

10.12.04

Beverly Erdman

Signature

Currently, claims 1, 12 to 14, 16, and 21 to 23 are generic, claims 2 and 15 are readable on the elected species only, and claims 5 to 11 are readable on the elected species as well as the non-elected species of Figures 5 to 9.

Claims 3 and 4 are readable on the non-elected species of Figures 5 to 9 only.

Claims 17 to 20 are readable on the non-elected species of Figures 10 to 12 only.

An action on the merits of claims 1, 2, 5 to 16 and 21 to 23, all readable on the elected species either alone or in addition to one or both of the remaining non-elected species, is hereby respectfully requested.

By this election, and in accordance with 37 C.F.R. § 1.142(b), the claims directed to the species of Figures 5 to 9 and Figures 10 to 12 alone are withdrawn. Applicants reserve the right to file Divisional applications on the claims of these species.

Respectfully submitted,

Dated: October 12, 2004

By: Katherine Proctor
Katherine Proctor
Agent for Applicant
Registration No. 31,468

GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, California 92101
Telephone: (619) 696-6700
Facsimile: (619) 696-7124

Docket No.: BGASL1029907